



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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February 18, 2015

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TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Nathaniel Marshall v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 430 969

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Nathaniel Marshall v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 430 969, in the amount of \$1,200,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Probation Department's budget.

This lawsuit alleges that the Probation Department violated Plaintiff's civil rights by failing to protect him from other juvenile wards under their supervision, which resulted in serious personal injury.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|-----------------------------|--|
| CASE NAME | Nathaniel Marshall v. County of Los Angeles, et al. |
| CASE NUMBER | BC 430969 |
| COURT | Los Angeles Superior Court |
| DATE FILED | February 1, 2010 |
| COUNTY DEPARTMENT | Probation Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 1,200,000 |
| ATTORNEY FOR PLAINTIFF | Michael Goldstein, Esq. |
| COUNTY COUNSEL ATTORNEY | Millicent L. Rolon Principal Deputy County Counsel |
| NATURE OF CASE | <p>This is a recommendation to settle for \$1,200,000, the lawsuit filed by Plaintiff Nathaniel Marshall, alleging his civil rights were violated by the Los Angeles Probation Department. Plaintiff Nathaniel Marshall, a juvenile ward confined in the Probation Department's Camp Miller, was beaten by other juvenile wards and sustained serious injuries.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$1,200,000 is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 579,203 |
| PAID COSTS, TO DATE | \$ 154,936 |

Case Name: N.M. v. County of Los Angeles; et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

| | |
|--|--|
| Date of Incident/event: | November 1, 2008 |
| Briefly provide a description of the incident/event: | <p>Plaintiff, a minor, alleges that he was improperly housed with violent minors at Camp Miller where he was assaulted, battered and sustained serious injuries during a race riot on November 1, 2008.</p> <p>On November 1, 2008 at approximately 11:30 a.m., 30 to 40 minors were involved in a disturbance in the dorm of Camp Miller. The disturbance began when a Hispanic minor was seen striking an African-American minor from behind as the minors entered the dorm. This resulted in several minors joining in on the related fight and dorm disturbance.</p> <p>Camp Miller staff worked to contain the situation quickly and effectively and the fight was stopped within seconds by giving verbal commands and making use of safe crisis management techniques.</p> <p>As the situation was contained, staff noticed that the Plaintiff had sustained injuries in the head and neck areas. A Health Services Nurse did an initial evaluation of the Plaintiff's injuries. The Plaintiff was subsequently transported by ambulance and then via airlift to UCLA Medical Center for evaluation and treatment.</p> <p>Plaintiff alleges that a "race riot" ensued between among the minors in Camp Miller as a result of the failure to provide sufficient staff; failure to follow established safety procedures; failure to provide necessary and appropriate security measures and failure to provide appropriate personnel necessary for the safety, welfare and protection of the Plaintiff.</p> |

1. Briefly describe the root cause(s) of the claim/lawsuit:

The following are primary root causes that will (or have been) addressed in connection with this lawsuit:

1. The Probation Department's perceived failure to provide appropriate level of staffing and staff positioning; also, increased camp population rates were considered factors associated with the incident.
2. The Probation Department's lack of diligent implementation and follow through of safety procedures set forth for camp safety and security (for minors in the event of a disturbance).
3. The Probation Department's lack of consistent follow through and implementation of corrective measures and disciplinary steps needed for inappropriate conduct by minors in an individual

County of Los Angeles
Summary Corrective Action Plan

- and group setting in camp.
4. The Department's lack of appropriate training and preparation of staff and key witnesses for courtroom and trial readiness.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The corrective action plan will consists of a 4-step process:

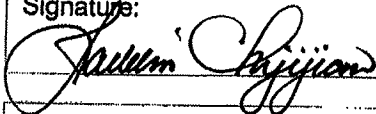
1. The Probation Department will continue to maintain a staff to minor ratio at the juvenile camp that is consistent with State Title 15 and Department of Justice (DOJ) requirements. The Department has also maintained a decreased camp population to further aid this process.
2. The Probation Department has updated and expanded on the safety and security procedures for the minors in camp. These procedures have also been updated to reflect the DOJ requirements.
3. The Probation Department continues to implement and adequately explain the Camp Orientation process to minors while being admitted to camp. A camp orientation packet is provided and reviewed with the minors during admittance. Minors are now expected to "sign-off" upon receipt of the Orientation packet. The Probation Department has also implemented several provisions to reflect the mandates of the DOJ; these mandates have also led to the revisions and updates to Departmental policies and procedures.
4. The Probation Department will coordinate with County Counsel to develop and implement a training program for supervisor level and executive level staff in trial and courtroom readiness.

3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)
Jacklin E. Injiljan

Signature:

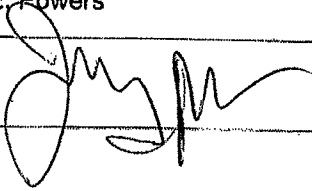


Date:

12-19-2014

Name: (Department Head)
Chief Jerry E. Powers

Signature:



Date:

12/23/14

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability.

☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Signature:

Date:

12/22/2014